

EXHIBIT F

THE
WORKS
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PUBLISHED UNDER THE DIRECTION

OF
BIRD WILSON, ESQUIRE.

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CIC.

VOL. III.

PHILADELPHIA :

AT THE LORENZO PRESS, PRINTED FOR BRONSON AND CHAUNCEY.

1804.

propriety, when we come to consider them as private injuries, and not as publick offences.

Affrays are crimes against the personal safety of the citizens; for in their personal safety, their personal security and peace are undoubtedly comprehended. An affray is a fighting of persons in a publick place, to the terrour of the citizens. They are considered as common nuisances. They may, and ought to be suppressed by every person present; and the law, as it gives authority, so it gives protection, to those who obey its authority in suppressing them, and in apprehending such as are engaged in them; if by every person present; then still more strongly by the officers of peace and justice.^h In some cases, there may be an affray, where there is no actual violence; as where a man arms himself with dangerous and unusual weapons, in such a manner, as will naturally diffuse a terrour among the people.ⁱ

To challenge another, by word or letter, to fight a duel, or to be the messenger of such a challenge, or to provoke, or even to endeavour to provoke, another to send such a challenge, is a crime of a very high nature, and is severely reprehended by the law:^j duels are direct and insolent contempts of the justice of the state.^k

Affrays are punished by fine and imprisonment, the measure of which must be regulated by the circumstances of the case.^l For sending a challenge, the offenders have been adjudged to pay a fine, to be imprisoned, to

^h 3. Ins. 158. 4. Bl. Com. 145.

ⁱ 1. Haw. 135.

^j 3. Ins. 158. 1. Haw. 135.

^k 1. Haw. 138.

^l Id. *ibid*.